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MEMORANDUM FOR HEADS OF AGENCIES

SUBJECT: Environmental Impact Statements

During the past year the Council on Environmental Quality has conducted a review of federal agency implementation of the environmental impact statement (EIS) requirement of the National Environmental Policy Act (NEPA). That review has indicated that federal agencies have increasingly used the EIS process successfully as a means to improve decisions affecting the environment. Nevertheless, situations continue to arise in which the impact statement process has been more an appendage to or justification for decisions already made than an aid to decisionmaking. Frequently these failures have been caused or aggravated by the inordinate and unnecessary length of EISs. Such documents at best obscure the intent of NEPA and can be extremely harmful to the environmental impact statement process. It is the purpose of this memorandum, therefore, to reemphasize to all agencies the Council's position on the appropriate focus, use and length of environmental impact statements in the federal planning and decisionmaking process.

An unnecessarily large portion of many EISs has been devoted to descriptions of the proposed action and the existing environment. Frequently, EISs follow lengthy, detailed outlines in order to assure that at least some treatment, however brief, is given to every subject conceivably relevant to the proposal. In following this approach agencies make little or no attempt to rank and then analyze in depth the most significant environmental impacts.

There are several reasons why EISs have taken this course: some EIS authors believe that the EIS itself should be a comprehensive, highly technical, scientific document; the voluminous material received by an agency from an applicant or consultant may prove too time-consuming to edit; or an agency's lawyers may recommend coverage of every possible contingency, particularly if the agency should be sued. The adequacy of an EIS is then measured by its length.

These reasons, however, ignore the precept that the EIS is not an end in itself but is primarily intended to aid decisionmaking. The statement does not achieve this purpose when it has such prodigious bulk that, while it may serve some academic purpose, no one at the decisionmaking level in any agency will ever read it. Since its purpose is to clarify, not obscure, issues and to forecast and analyze significant impacts of a proposal and its reasonable alternatives, efforts must be made early in the EIS process to weed out unnecessary information. Then, by focusing effort and attention on meaningful analyses, the legal adequacy of an EIS will also be supported and enhanced.

It is the Council's position, therefore, that descriptions of the existing environment and the proposed action should be included in an EIS only to the extent that they are necessary for a decisionmaker to understand the proposal, its reasonable alternatives, and their significant impacts. The EIS should explain how the scope of the statement and its level of detail have been carefully delineated in accordance with the significant environmental issues and problems foreseen by the agency. Data and analyses in an EIS should consequently be commensurate with the importance of the impact as determined by the agency's environmental analysis. Less important material should be summarized, consolidated or simply referenced.

These strictures are set forth in section 1500.8(a)(1) of the CEQ Guidelines on preparation of impact statements, which states that descriptive material in an EIS should be:

"adequate to permit an assessment of potential environmental impacts by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft environmental impact statement. Such materials should be attached as appendices or footnoted with adequate bibliographic references. The statement should also succinctly describe the environment of the area affected..."

Section 1500.8(b) states that in developing the EIS

"...agencies should make every effort to convey the required information succinctly... giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement."

This section states further that each of the five points required by NEPA in an EIS

"...need not always occupy a distinct section of the statement if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives -- which items should normally be the focus of the statement."

In reemphasizing the policy behind these sections of CEQ's Guidelines it should be noted that the need for manageable and useful statements does not and should not imply a need or opportunity to reduce the quality or specificity of environmental research or study required for an informed decision. Environmental conclusions expressed in an impact statement must still be logically supported by references to standard texts, scientific literature, appendices, special studies, or textual material within the statement. Specific baseline inventories and environmental research will often be needed initially to determine if there are environmental problems that should be analyzed in an impact statement. While these studies should be made available to the public and, in the case of a legal challenge, to the courts, they should be referenced, rather than simply reproduced, in the EIS itself.

Although the value of the environmental impact statement process to federal agency decisionmaking has been demonstrated in the past, improvements in its application are necessary. Specific efforts to use the impact statement as a management tool, and to focus the statement on analyses of impacts of a proposal and its reasonable alternatives will require the attention and understanding of agency leaders at various levels. The Council will be glad to assist these efforts in any way that it can.

Russell W. Peterson
Russell W. Peterson
Chairman

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Routing Slip

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